

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1335 OF 2006

IN

CRIMINAL APPEAL NO. 1268 OF 2006.

Bomi K.Avasia. ... Applicant.

Versus.

The State of Maharashtra.
(C.B.I. A.C.B. Mumbai).

... Respondent.

Shri R.G.Tahilramani for the Applicant.

Shri U.V.Nikam, A.P.P. for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 21st December, 2006.

P.C.:

1. The Advocate appearing for the Appellant states that a copy of the Memorandum of Appeal and the Bail Application has been duly served to the Respondent (C.B.I., A.C.B., Mumbai). He states that the notices are given by him to the Superintendent of Police, C.B.I. on three occasions. None appears for the C.B.I.

2. My attention has been invited to the order dated 10th November 2006 passed by the learned Special Judge. The Application discloses that the fine amount has been paid. The Applicant was on bail throughout the trial.

3. The Applicant has been convicted for offence under section 5(1)(d) and 5(2) of the Prevention of Corruption Act, 1947 and section 420 and section 467 of the Indian Penal Code. The substantive sentences are

directed to run concurrently. The maximum substantive sentence is of simple imprisonment for one year.

4. The Appeal is not likely to be heard before the period of sentence is over. The Applicant was on bail throughout the trial. The present age of the Applicant is stated to be 63 years.

5. Hence the Application is disposed of by the following order:

- i) The Applicant shall be enlarged on the same bail on which he was enlarged during the pendency of the trial, subject to filing fresh bonds.
- ii) The bail is granted subject to condition that the Applicant will report to C.B.I. A.C.B. in its office at Thanna House, Mumbai, once in every calender month till the disposal of the Appeal.

Judge.